

ANASTASIA P. BODEN, No. 281911
Email: ABoden@pacificlegal.org
JOSHUA P. THOMPSON, No. 250955
Email: JThompson@pacificlegal.org
DANIEL M. ORTNER, No. 329866
Email: DOrtner@pacificlegal.org
Pacific Legal Foundation
555 Capitol Mall, Suite 1290
Sacramento, California 95814
Telephone: (916) 419-7111
Facsimile: (916) 419-7747

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONAL CENTER FOR PUBLIC
POLICY RESEARCH,

No. 2:21-cv-02168-JAM-AC

**REQUEST FOR VOLUNTARY
DISMISSAL AND AN ENTRY OF
JUDGMENT**

V.

SHIRLEY N. WEBER, in her official capacity as Secretary of State of the State of California,

Defendant.

Pursuant to Rule 41(a)(2), Plaintiff, National Center for Public Policy Research seeks to voluntarily dismiss its claims against AB 979—California’s race and sexual orientation quotas—with prejudice. Plaintiff does not intend amend its complaint to add an as-applied challenge to SB 826—California’s woman quota—and instead plans to immediately appeal the Court’s decision dismissing its facial challenge to SB 826. Plaintiff, therefore, requests dismissal of its claims against AB 979 with prejudice and the immediate entry of a final judgment pursuant to Rule 58(b) so that it may appeal the dismissal of its facial claim against SB 826. Defendant does not oppose this request.

1 DATED: May 17, 2022.

2 Respectfully submitted,

3 By: /s/ANASTASIA P. BODEN
4 ANASTASIA P. BODEN

5 JOSHUA P. THOMPSON
6 DANIEL M. ORTNER
7 Pacific Legal Foundation
8 555 Capitol Mall, Suite 1290
Sacramento, California 95814
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
ABoden@pacificlegal.org
JThompson@pacificlegal.org
DOrtner@pacificlegal.org

11 *Attorneys for Plaintiff National Center for
12 Public Policy Research*

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Request for Voluntary Dismissal and an Entry of Judgment